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awaiian Gazette

THE HAWAIIAN GAZETTE CO., (Limited,)

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AEO (Ch.)
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TUESDAY, SEPTEMBER 21, 1886.

HAWAIIAN LEGISLATURE. SESSION OF 1886.

ONE HUNDREDTH DAY.

Monday, Sept. 13. The Assembly convened at 10 a. m. pursuant to adjournment from the 11th

The bill providing a permanent settle-ment on Hon. Abr. Fornander was read a third time and passed.

The bill to provide a permanent settlement for Mrs. J. E. Barnard was now brought up on third reading and after being amended so the annuity was placed at \$300 instead of \$600, the bill passed.

The Assembly now resolved into Committee of the Whole and proceeded to consider the items of the Appropriation

On motion of Rep. Brown the item "Support of prisoners \$90,000 was changed to read

Argument was now indulged in with regard to the course of procedure to be taken relative to the reading of the items in the bill and finally Rep. Hayselden moved that the schedule before them be considered item by item. Carried.

On motion of Rep. Hayselden the item purchase of current Hawaiian literature for library use \$150" was transferred from the Interior Department to the Bureau of Public Improvements.

On motion of Rep. Thurston the item Ookala landing \$1,000" was transferred from the Interior Department to the Bureau of Public Improvements. The item "Current expenses of Board

Immigration was, on motion, struck out of the list. At 12:05 adjournment was had until satisfied. 1:30 p. m.

\$16,000" under the head of Bureau of

AFTERNOON. It was nearly a half an hour after the time set before the Committee reconvened, a quorum being unobtainable until 1:53 On motion of Rep. Hayselden the item Aid to Royal Hawaiian Agricultural Society \$1,000" was placed in the Bureau

of Forestry. The item "Steam launch \$5,000" was transferred to the Bureau of Public Improvements. The following items were inserted:

FINANCE DEPARTMENT. Kailikahuna returned taxes INTERIOR DEPARTMENT.

The item "Pay of keepers of mauso-leums \$4,320" caused some argument,

Rep. Dole being opposed to the item, Rep. Thurston favoring a reduction and Rep. Kaulukou in favor of the item as printed. The item passed finally as printed.

Repairs of the Royal Mausoleum. \$ 2,407 00 Encouragement Chilucona cultivation District of Hamakua, Hawaii. 5,500 00 Printing certificates of deposit. 2,000 00 At 4 o'clock the Committee rose and Hon. J. E. Bush the chairman reported back to the Assembly the progress made.

On motion the Assembly, now at 4:10 o'clock, adjourned until 10 a.m. the next

Report approved.

ONE HUNDRED AND FIRST DAY. Tuesday, Sept. 14. The Assembly convened at the usual hour. After prayer by the chaplain had

been given the minutes of the previous meeting were read and approved. The bill to regulate special partnerships tirm who has been actually misled thereby was read a third time and passed as fol- to his prejudice.

An Act to Authorize and Regulate Special Partnerships. ARTICLE I. - FORMATION OF PARTNERSHIP. Section 1. A partnership may be formed between two or more persons for the transaction of any lawful business. A special partnership may be formed between one or more persons, called general partners, and one or more persons called

special partners, for the transaction of any business, Sec. 2. Persons desirous of forming a special partnership must severally sign a

certificate stating: First-The name under which the partnership is to be conducted. Second-The general nature of the business intended to be transacted, and the

place or places where such business is to be transacted; if possible, the street and number on the street. Third-The names of all the partners and the residence of each; specifying

which are general and which are special partners. Fourth-The amount of capital which each special partner has contributed to the common stock.

Fifth—The period at which such part-nership will begin and end. Sec. 3. Certificates under the last sec partners before some officer authorized to take acknowledgments of deeds, and filed hands. Also to report the indebtedness in the office of the Minister of the Interior, who shall preserve the same and keep a record of the same, which shall be duly indexed. Such certificate, record and in-dex shall, during all business hours, be open to the inspection of the public free of charge. A fee of fifty cents shall be charged for each name signed to any

such certificate.

certificate, all the persons interested in the partnership shall be liable, as general partners, for all the liabilities thereof.

Sec. 4. An affidavit of each of the partners, stating that the sums specified in the certificate of the partnership as having been contributed by each of the special partners, have been actually paid in the lawful money of the Kingdom, must be filed with the certificate above mentioned.

Sec. 5. No special partnership is formed until the provisions of the last four sec-

tions are complied with. Sec. 6. The certificate mentioned in this article, or a statement of its substance, except the amount of capital contributed by any special partner, must be published in at least two newspapers printed in the English language, in Honolulu, once a week, for four successive weeks, begin ning within one week from the time of filing the certificate. In case such publication is not so made the partnership

must be deemed general. Sec.7. An affidavit of the making of the publication mentioned in the proceeding ection, made by the printer or publisher of the newspaper in which such publication is made, may be filed with the original certificate above mentioned, and shall be prima facie evidence of the facts therein

ARTICLE II .- POWERS, RIGHTS AND DUTIES OF THE PARTNERS.

Sec. 8. The general partners only shall have authority to transact the business of a special partnership. Sec. 9. A special partner may, at all

times, investigate the partnership affairs

and advise his partners or their agents as to their management. Sec. 10. A special partner may lend money to the partnership or advance money for, or to it, and take from it security therefor; and as to such secured loans or advances has the same rights as any other creditor, but in the case of the insolvency of the partnership all other claim which he may have against it must be postponed until all other creditors are

Sec. 11. In all matters relating to a special partnership its general partners may sue and be sued alone, in the same manner as if there were no special part-

Sec. 12. No special partner, under any pretence, may withdraw any part of the capital invested by him in the partnership during its continuance. Sec. 13. A special partner may receive

such lawful interest and such proportion

of profits as may be agreed upon, if not

paid out of the capital invested in the partnership by him or some other special partner, and is not bound to refund the same to meet subsequent losses. Sec. 14. If a special partner withdraws capital from the firm, contrary to the pro-

visions of this article, he thereby becomes a general partner. ARTICLE III.—LIABILITY OF PARTNERS. Section 15. The general partners in a special partnership are liable, to the same extent, as partners in a general partner-

Section 16. The contribution of a special partner to the capital of the firm, and the increase thereof, is liable for its debts; but he is not otherwise liable therefor, except as follows: If he has willfully made or permitted a false or materially defective statement in

davit filed therewith, or the published an nouncement thereof, he is liable, as a general partner, to all creditors of the firm, or, (2) If he has willfully interfered with the business of the firm, except as permit ted hereinabove, he is liable in like man-

the certificate of the partnership, the affi-

sented to an act contrary to any of the provisions of Article II of this Act, he is liable in like manner. Section 17. When a special partner has, unintentionally, done any of the acts mentioned in the last section, he is liable, as a general partner, to any creditor of the

(3) If he has willfully joined in or as-

ARTICLE IV .- ALTERATION AND DISSOLUTION. Section 18. A special partnership becomes general if, within ten days after any partner withdraws from it, or any new partner is received into it, or a change is made in the nature of its business or in its name, a certificate of such fact, duly verified and signed by one or more of the partners, is not filed with the Minister of the Interior and notice thereof published, as is provided in Article I of this chapter for

the publication of the certificate. Section 19. New special partners may be admitted into a special partnership upon a certificate and affidavit being filed and recorded according to Article I of this Act. Section 20. A special partnership is subject to dissolution in the same manner as a general partnership, except that no disso-lution, by the act of the partners, is complete until a notice thereof has been filed and recorded in the office of the Minister of the Interior and published, at least once in each week, for four successive weeks in at least two newspapers printed

with the word "limited." The report of the Committee on Accounts was returned to them with instruction must be acknowledged by all the tions to examine and report on the vouchers for the money in the Secretary's

> of the Assembly to date. On motion the bill relative to the establishment and regulating of a Hawaiian Board of Health was taken up and con-

sidered section by section. Some little discussion was engaged in, occupying nearly an honr, when Rep. Castle arrived and checked further argument by stating that the discussion was

in Honolulu in the English language. Section 21. The name of a special partner must not be used in the firm name of the partnership, unless it be accompanied

If any false statement is made in any oft of order, the bill in question being in